

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District Massachusetts 1st Circuit
Name Mr. Jason A. Morris	Prisoner No. W#60247	Case No.
Place of Confinement M.C.I. Shirley Medium W#60247 Post Office Box #1218 Shirley, Massachusetts 01464		
Name of Petitioner (include name under which convicted) Name of Respondent (authorized person having custody of petitioner) Mr. Jason A. Morris -Vs- Ms. Carol Mici		
The Attorney General of the State of: Massachusetts		
PETITION		
1. Name and location of court which entered the judgment of conviction under attack <u>Worcester Superior Court, Worcester, Massachusetts. Docket Entry #1995-0371 1/9</u>		
2. Date of judgment of conviction <u>March 11, 1996,</u>		
3. Length of sentence <u>Nine to Ten Years</u>		
4. Nature of offense involved (all counts) <u>Assault & Battery P/O, Receiving A Stolen Motor, Vehicle, Unauthorized Use of the same Vehicle, Reckless Endangerment, Leaving The Scene of an accident, Disorderly Person, Fail To Stop for a Police Office, Destruction of Property.</u>		
5. What was your plea? (Check one)		
(a) Not guilty <input checked="" type="checkbox"/>		
(b) Guilty <input type="checkbox"/>		
(c) Nolo contendere <input type="checkbox"/>		
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:		
<u>N/A</u>		
6. If you pleaded not guilty, what kind of trial did you have? (Check one)		
(a) Jury <input checked="" type="checkbox"/>		
(b) Judge only <input type="checkbox"/>		
7. Did you testify at the trial?		
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Did you appeal from the judgment of conviction?		
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

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9. If you did appeal, answer the following:

- (a) Name of court Massachusetts Court Of Appeals' #1998-P-0605
- (b) Result DENIED,
- (c) Date of result and citation, if known 46 Mass App Ct 1110
- (d) Grounds raised Excessive Sentence, Trial Judge's Prejudicial remarks.
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following:
- (1) Name of court Massachusetts Supreme Judicial Court
- (2) Result DENIED,
- (3) Date of result and citation, if known March 26, 1999, F.A.R.-10474,
- (4) Grounds raised Excessive Sentence, Trial judge's Prejudicial remarks.
- (f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:
- (1) Name of court N/A
- (2) Result N/A
- N/A
- (3) Date of result and citation, if known N/A
- (4) Grounds raised N/A
- N/A

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Worcester Superior Court
- (2) Nature of proceeding New Trial Motion Mass Rules Of Court Rule #30(b)
- (3) Grounds raised Ineffective Counsel Appellate, Double Jeopardy,
Insufficient Evidence, Jury Instructions

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Failure To Fingerprint the Motor Vehicle, Limitations on
Cross-Examination again't the Police Officer

(4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____ N/A

(2) Nature of proceeding _____ N/A

(3) Grounds raised _____ N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes ☐ No ☒

(5) Result _____ N/A

(6) Date of result _____ N/A

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☐ No ☒

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

_____ N/A

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: (g) Double Jeopardy, Convicted Of Two Indictments For

The Same Motor Vehicle, Different Sentences Were Giving.

Supporting FACTS (state *briefly* without citing cases or law) The Petitioner was told that
a conviction for [B]oth indictments was established, Unauthorized
Use Of A Motor Vehicle and Receiving A Stolen Motor Vehicle, And
Separate Punishments were appropriate.

B. Ground two: Trial Judge's failure to instruct The Jury Regarding
The Double Jeopardy Argument.

Supporting FACTS (state *briefly* without citing cases or law): Its very possible that if
the jury heard they could only convict on one of the two indictments
the jury might of convicted on the smaller count.

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- C. Ground three: Insufficient Evidence, Receiving A Stolen Motor Vehicle.

Supporting FACTS (state *briefly* without citing cases or law): No evidence was presented in this case that the Petitioner ever deprived the owner of [H]is Property, The Intent To Deprive The Owner was not shown along with the fact, The reason To Know such Vehicle could be Stolen just isn't there.

- D. Ground four Misappropriation Of Federal Case Authorities, Contrary To Constitutional Law, Unreasonable Application To Facts And Laws Of The United States Constitution.

Supporting FACTS (state *briefly* without citing cases or law): The Supreme Judicial Court And the United States Supreme Court has established that the Criminal Charge, Unauthorized Use is a Theft Offense as long as the state recognized it as well, In Massachusetts Unauthorized Use is recognized as a theft offense which was ignored in the current case and case law was applied which was irrelevant.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: _____

N/A

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes ☒ No ☐ M.G.L.s C. 211 §3, Case Number S.J. #2004-00016,

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Daniel E. Shanhan, 188, Lincoln Street, Worcester, Massachusetts, Ma 01605, BBO#545446, Phone# (508)-791-2357.

(b) At arraignment and plea Attorney Shanhan, [ADDRESS ABOVE]

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- (c) At trial Daniel Shanahan
- (d) At sentencing Daniel Shanahan
- (e) On appeal Larissa Kiers BBO#567342
- (f) In any post-conviction proceeding The Petitioner filed a New Trial Motion In A Pro-Se manner.
- (g) On appeal from any adverse ruling in a post-conviction proceeding Pro-Se Leslie W. O'Brien
P.O. Box #426, Winchester, Ma BBO#542413 Phone# (781)-756-0111
On Appeal from the Massachusetts Court Of Appeals' #2001-P-00791
On Appeal from FURTHER APPELLATE REVIEW #13642
16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?
 Yes ☒ No ☐
17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
 Yes ☒ No ☐
- (a) If so, give name and location of court which imposed sentence to be served in the future: Worcester
Superior Court #1995-00695 1/45 Receiving A Stolen Motor Vehicle
- (b) Give date and length of the above sentence: 10 To 12 Years, Its a longer sentence
but its concurrent to the under attack.
- (c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
 Yes ☒ No ☐ UNITED STATES DISTRICT COURT, C.A. #03-11127-RWZ,

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

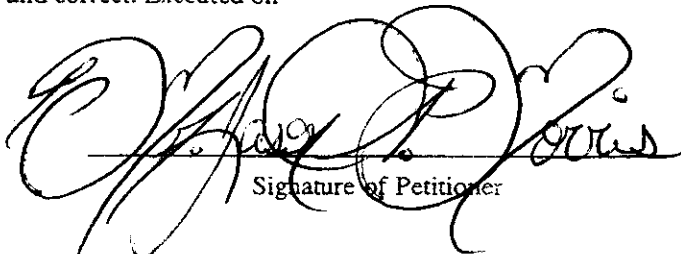
N/A

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

May 10Th 2004,

(date)


 Signature of Petitioner